IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION.

1. WRIT PETITION NO.3735 OF 2006

Bhoju Shetty, .. Petitioner
Vs
The Municipal Corporation of
Gr.Mumbai, .. Respondent

WITH

2. WRIT PETITION NO.3736 OF 2006

Vinod Shetty, .. Petitioner
Vs
The Municipal Corporation of
Gr.Mumbai, .. Respondent

WITH

3. WRIT PETITION NO.3737 OF 2006

Sunil Hegde, .. Petitioner
Vs
The Municipal Corporation of
Gr.Mumbai, .. Respondent

Ms Geeta Shastri i/b Mr S.P.Srivastava, for the petitioners.
Mr A.J.Bhor, for respondent.

CORAM : D.B.BHOSALE,J.
DATE : 25.09.2006

PC:

1. Heard the learned counsel for the parties.

2. These three writ petitions challenge the orders, all dated 5.7.2005, passed in three different suits, allowing the applications of the respondent-corporation, by which they had prayed for setting aside the order to proceed ex-parte and allowing them to file their written statement on record. Mr.Bhor, learned counsel for the respondent, states that the respondents have already placed the written statements on record and they have

also been taken on file by the court below in all the three suits long back. Though Ms.Shashtri, learned counsel for the petitioners, has not controverted this statement of Mr Bhor, she submits that the applications for setting aside the order to proceed ex-parte and allowing the respondent-corporation to file their written statements on record, do not show any cause whatsoever for condonation of the delay in filing the applications and, therefore, the court ought to have rejected the applications in all the three suits. I perused the impugned orders, applications and all other material placed on record. It is true that the respondent-corporation has not shown satisfactory cause for condonation of delay in filing the applications and perhaps that was the reason why the applications were allowed with cost. In my opinion, looking to the overall facts and circumstances of the case, the substantial justice has been done and in view thereof I am not inclined to interfere with the orders impugned in the present writ jurisdictions under Article 227 of the Constitution of India. It is also pertinent to note that the petitioners were also not diligent enough in approaching this court. They waited for almost one year to file the writ petitions and thereafter 4-5 months to move the court for urgent order. In the circumstances, these writ petitions are dismissed.

(D.B.BHOSALE,J.)